User Report

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STUDY TO REVIEW AND ANALYZE RCMP DATA ON SPOUSAL ASSAULT FROM 1985 TO 1988

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The views expressed in this working paper are those of the authors and are not necessarily those of the Ministry of the Solicitor General of Canada.

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I

INTRODUCTION

This report presents the findings of a series of analyses of RCMP data on spousal assault covering the period of 1985 to 1988. The broad objective of these analyses was to monitor the implementation of the RCMP's general policy on laying charges in spousal assault cases. This monitoring was accomplished through a set of analyses of data focussing specifically on spousal assaults. Included here were annual counts of these cases and analyses of case outcomes. For purposes of comparison, complementary analyses of non-spousal assaults were also conducted and reported.

This report is divided into four chapters. The remainder of this first chapter consists of a brief description of the background to the issue of police charging and spousal assault, a description of the RCMP policy on charging in spousal assault cases, and a description of the way in which this policy has been monitored since 1985. Chapter II presents our findings with respect to the laying of charges in cases of spousal assault. In Chapter III, findings concerning the completeness (and hence the reliability/accuracy) of the charging data are presented. Chapter IV concludes the report with a summary of the major findings and several related recommendations.

A. SPOUSAL ASSAULTS AND CHARGING: AN OVERVIEW

The fundamental issue examined in this study concerns the laying of charges by the police in cases of spousal assault. The increased attention focussed on victims' concerns in general, and wife battering in particular, led many police organizations to specifically instruct their members that charges were to be laid in all cases of spousal assault where there were reasonable and probable grounds that an assault had occurred. Implementation of such a policy would presumably lead to spousal assault being treated by the police in the same manner as assaults involving strangers. The perceived need to specifically direct

police officers to lay charges themselves arose from the belief that charges were less likely to be laid by the responding officer if the case involved spousal assault. Because of the common perception that spousal abuse was really a private, family matter, victims were often encouraged either to seek assistance elsewhere (e.g., marital counselling) or to lay charges themselves (via a private information).

The suspected low rate of charging by police, and unknown rate of charging by victims presumably would have two effects. The first effect would be that, despite the reporting of spousal assaults to the police, few incidents would be reflected in official police records (i.e. occurrence reports). Cases which may in fact have been bona fide assaults might appear in dispatch records as "disturbance" or "domestic dispute" but not be recorded on an occurrence report as an assault in the absence of a charge being laid. The second effect would be a lower rate of charging rate relative to other dispositions (e.g., withdrawn) for spousal assaults compared to stranger assaults. For instance, one would assume that the proportion of cases where charges were were laid and then later withdrawn would be higher for spousal assault cases than for non-spousal assault cases.

If a firm charging policy were fully adhered to, the impact on police statistics would be twofold. First, the number of police occurrence reports citing assault as the offence type would increase. This is because cases of spousal assault which might previously have either not generated a report at all, or have been recorded as disturbances, for example, would now be recorded as assaults. The second effect would be an increase in the "cleared by charge" rate for spousal assaults, to the point where this rate would be comparable to that for stranger assaults. The analytical findings presented later in this report attempt, to the extent possible, to address the impact on police statistics of adherence to the charging policy.

In addition to the effects of a more aggressive charging policy expected at the individual case level, these policies were also seen to have an important impact at a broader, societal level. Specifically, it was thought that a charging policy would signal to the victim and offender, and to society at large, that spousal assault is a crime, not a private family matter. In addition, it would serve as a powerful impetus to change the views of abusive partners about the acceptability of spousal assault and clearly demonstrate that this kind of criminal behaviour will not be tolerated.

B. THE RCMP CHARGING POLICY

The RCMP policy on the laying of charges in cases of spousal assault was introduced in 1984. In essence, it called for RCMP members to lay charges in all cases of spousal assault where there were reasonable and probable grounds to believe that an assault had occurred. This directive was consistent with an earlier policy statement by the Minister of Justice and the Solicitor General of Canada regarding the investigation and prosecution of spousal assault in the Yukon and Northwest Territories (which are policed exclusively by the RCMP). In December 1983, the RCMP in the Territories were directed to immediately and thoroughly investigate all spousal assaults and, where reasonable and probable grounds existed, to lay criminal charges. The objective of this policy was to take the responsibility for pressing charges and decisions regarding prosecution away from the victim.

It is important to look briefly at the specific wording of the policy. The RCMP Headquarters policy directive defines spousal assault as

> " a criminal act of violence or series of acts which causes injury to a spouse or common-law partner "

Readers should be aware that the RCMP provides cost-shared policing services to all provinces and territories, except Ontario and Quebec, under agreements signed between the Solicitor General of Canada and the provinces and territories. It is important to note that within the contract jurisdictions, general enforcement policy is developed by the provincial Attorneys General in consultation with the RCMP. As a result, operational policies may vary across Divisions (provinces and territories) depending upon local conditions and priorities. For example, in Newfoundland ("B" Division) spousal relationship is defined by reference to "assault against women in the home" while in Manitoba ("D" Division) the policy refers to couples who are living common-law or (are) married. In contrast, the policy in Nova Scotia ("H" Division) refers to "husband and wife or people living together as husband and wife for a period of at least a year." (A compendium of the charging policies from Headquarters and from each Division is attached to this report as Appendix A.)

Clearly, variation in the definitions specified in these policies can be expected to influence the behaviour of responding officers, as well as the statistics on both the incidence of spousal assault and the frequency with which charges are being laid. This general issue will be revisited later in this report.

C. MONITORING THE CHARGING POLICY

In recognition of the importance of the spousal assault charging policy, and of the need to monitor the extent to which the policy was being adhered to, the RCMP implemented changes in its statistical case reporting system . Beginning in 1985, it became possible to distinguish assault cases involving spouses from those not involving spouses. Before we describe this change in recordkeeping in detail, it will be useful at this point to review the general process by which police occurrence reports are created.

Before a case of spousal assault (for example) appears in the RCMP's records as such, it is subjected to a number of filters. Each of these filters presents an opportunity to modify the case record in more or less subtle ways. We will briefly work through these filters in sequential order:

- Dispatch. A call for service to the police relating to a spousal assault may be received from one or more of several possible sources. The victim may call, another family member or a neighbour may call, or someone approached later, perhaps a friend or a social worker at a hospital, may call. If the call comes from a neighbour who heard shouting, it may be relayed to the responding officer as a disturbance, or noisy party call. Or, if the victim calls, it may be represented as a call for help with an intoxicated spouse. The point is that cases of spousal assault can make their first appearance on official records in any of a number of call for service classifications. It is often only after the officers arrive at the scene that many cases of spousal assault are identifiable.

- Responding Officer. Police officers are expected to exercise discretion in their application of the formal justice system in the cases they encounter. Spousal assault is an area where informal methods have traditionally been applied. The policy in question in this report aims to encourage the use of formal processes (starting with charging). However, it is ultimately up to the attending officer to decide on a course of action. The responding officer, through the decision on what to put in the occurrence report (if one

is even completed), exercises virtually complete control over the form in which the case appears in the official record.

- Data Input. In the RCMP, creation and transmission of a data record for individual cases is handled by civilian clerk/typists at small detachments, and by "readers" (who are RCMP members) at large detachments. These people read the occurrence reports, assign codes in accordance with the rules in the system manual and create the records.

- The consistency with which the paper file data is transformed into computerized file data depends upon the care and attention accorded the case by the reader/coder. It would be reasonable to expect that some cases of spousal assault are not being coded as such because of reader/coder lack of awareness of the coding rules, and/or inconsistency in following the rules.

Having described the general process followed in creating a computerized record of an occurrence, we turn to a description of the RCMP's statistical reporting system, and how spousal assault cases are identified in this system.

The Operational Statistics Reporting system (OSR) is the basic statistical reporting system maintained by the RCMP. It consists of individual records corresponding to occurrence reports supplemented by other types of information depending on the nature of the case.

OSR records include a number of variables relevant to the objectives of this project. Among the standard OSR variables, the following were of interest for the purposes of this study: offence type, case outcome, disposition of charges and reporting jurisdiction. Exhibits I-1, I-2 and I-3 list the categories of offence type, case outcome and disposition of charges of relevance to this project.

As noted above, it became possible (beginning in 1985) to distinguish assault cases involving spouses from those not involving spouses. This was accomplished by creating special scoring codes that would indicate the involvement of a male offender and/or a female offender and that are supposed to be added to all occurrence reports for person offences referred to in Exhibit I-1. An additional code was created to identify cases where the use/abuse of alcohol was involved. It was anticipated that this system modification

EXHIBIT I-1 OSR Offence Categories Relevant to this Study

OSR Code	Offence Type	OSR Code	Offence Type
AA01	Murder - 1st Degree	AA44	Assault Level 1
AA02	Murder - 2nd Degree	AA45	Assault Level 2
AA03	Manslaughter	AA46	Aggravated Assault Level 3
AA04	Infanticide	AA47	Bodily Harm
AA05	Attempted Murder	AA48	Firearm with Intent
AA41	Aggravated Sexual Assault	AA51	Other Assaults
AA42	Sexual Assault with a Weapon	AA57	Other Sexual Offences
AA43	Sexual Assault		

EXHIBIT I-2 OSR Outcome Categories Relevant to this Study

Outcome	Definition
Unfounded	The police investigation established that the crime did not happen or was not attempted
Cleared by Charge	An information (charge) has been laid against at least one person, whose identity is established
Cleared Otherwise	In certain situations, the police may not be able to clear the offence by charge. If all the following questions can be answered "yes", then the offence can be "cleared otherwise": (1) Has the offender been identified? (2) Is there enough evidence to support the laying of an information? (3) Is there a reason outside police control that prevents the laying of an information and the prosecution of the offender?

EXHIBIT I-2 OSR Outcome Categories Relevant to this Study (cont'd)

The limitations of "cleared otherwise" are indicated by the following examples:

- the offender has died.
- the offender has been committed to a mental hospital and it is unlikely he/she will be released.
- a person confesses to a crime and subsequently dies.
- the offender admits an offence but there is a definite obstacle to proceedings, e.g., diplomatic immunity.
- the complainant or essential witness is dead and proceedings cannot be instituted.
- the offender is known and sufficient evidence has been obtained but the complainant refuses to prosecute - this does not "unfound" the offence.
- the offender is serving a sentence and no useful purpose would be served in laying an information.
- the offender is in a foreign country and cannot be returned (or the violation(s) are under either a provincial statute or municipal by-law and subject is in another province).

EXHIBIT I-3 OSR Charge Disposition Categories Relevant to this Study

Disposition	Definition
Withdrawn	Charges laid were subsequently withdrawn prior to a trial being held
Dismissed	Charges laid were dismissed at a preliminary hearing or trial due to lack of evidence or other reason
Stay of Proceedings	Charges laid were indefinitely set aside prior to a trial being held due to lack of evidence or other reason

would permit the RCMP to properly identify the actual number of spousal assault cases reported to the police. This would allow one to compare police statistics with estimated figures (e.g. findings from other research such as victimization surveys) regarding the seriousness and magnitude of spousal assault in Canada.

The policy statement establishing the requirement to add these supplemental codes is presented in Appendix A to this report under the heading 'Headquarters Coding Policy.' It is worth noting that the definitions of spousal assault, and spousal relationship (for coding purposes) do not correspond completely with those in the charging policy. In particular, the definition of spousal relationship in the coding requirement is broader than that expressed in the charging policy. For coding purposes, spousal relationships include "legal marriage and common-law as well as separated and divorced partners of legal and common-law relationships," while the charging policy refers only to "spouse or common-law partner." And, just as the coding rule definitions do not match those of the Headquarters charging policy, they also do not match those in the individual Divisions' charging policies. This issue will be returned to later in this report.

In the next chapter, we present our findings in regard to the incidence of spousal assault, and the frequency with which charges are being laid in these cases. Before presenting these findings, it is imperative to warn readers that the data upon which these findings are based are not complete. The lack of completeness arises from the inconsistent use of the supplemental codes identifying spousal assault cases in the OSR data. In fact, our findings indicate that only approximately 50% of spousal assault cases were correctly coded (i.e., contained the supplemental codes). This general issue is examined in some detail in Chapter III.

II

SPOUSAL ASSAULT: INCIDENCE AND CHARGING

This chapter presents the findings of our analyses of the OSR data. Included are estimates of the incidence of spousal assault reported to the police, and analyses of selected characteristics of these cases, including whether or not charges were laid. Readers are asked to remain cognizant of the finding (presented in Chapter III below) that these OSR data are not a complete record of all spousal assault cases reported in RCMP contract jurisdictions.

A. CASE COUNTS

In 1985, 8,889 cases of violent crime against spouses were reported in RCMP contract jurisdictions. This figure rose to 8,999 in 1986, and to 9,570 in 1987, before dropping to 9,412 in 1988. Exhibit II-1 presents 1985 to 1988 totals for each Contract Division. Also presented are 1985 to 1988 percentage change figures.

Among the more striking features of Exhibit II-1 are the wide variations across Divisions. For example:

- 85-88 percentage changes range from -20% to +30%.
- Four Divisions showed increases in reported cases over this period, while five showed decreases, and one remained stable.

Nationally, we observe a slight increase in the total number of spousal cases reported, with a peak of 9,570 in 1987.

EXHIBIT II-1 Case Count Data for Spousal Cases -- 1985-88

Division	Province	Number of Spousal Cases				Percentage Change
		85	86	87	88	85-88 %
B	Nfld	425	386	406	340	-20
D	Man	982	924	996	982	0
E	BC	3,525	3,757	4,164	4,117	+17
F	Sask	932	940	909	850	-9
G	NWT	524	537	540	580	+11
H	NS	485	450	405	440	-9
J	NB	244	305	380	318	+30
K	Alta	1,503	1,468	1,522	1,527	+2
L	PEI	74	49	59	70	-5
M	YT	195	183	189	188	-4
Total		**8,889**	**8,999**	**9,570**	**9,412**	**+6**

Exhibit II-2 presents the percentages of all assaults and homicides coded as spousal. Again, these data show wide variation across Divisions, but relatively little change from 1985 to 1988 on either a Divisional or national level. More specifically,

- The percentage of all assaults and homicides which involved spouses ranges from 11% to 23% across Divisions.
- Across all four years, spousal cases constituted approximately one sixth of all assaults and homicides.

One possible explanation for at least some of the variation in these figures across Divisions is the variation in the Division-level charging policies noted previously. While the differences in the policies as written are largely matters of wording, it is conceivable that these differences (along with variations in interpretation) are contributing to the observed variations in the OSR data by Division.

EXHIBIT II-2 Percentage of all Assaults and Homicides Coded as Spousal (1985-1988) by Division

Division	Province	Percentage of Cases Coded as Spousal				
		85 %	86 %	87 %	88 %	Percentage Change 85-88 %
B	Nfld	16	15	15	11	-5
D	Man	20	18	18	17	-3
E	BC	17	16	17	16	-1
F	Sask	20	19	18	17	-3
G	NWT	22	23	22	23	+1
H	NS	17	15	13	13	-4
J	NB	11	12	14	11	0
K	Alta	16	15	15	14	-2
L	PEI	17	11	15	16	-1
M	YT	21	20	21	22	+1
Total		**17**	**16**	**17**	**16**	**-1**

B. CHARACTERISTICS OF SPOUSAL ASSAULT CASES

Several basic characteristics of the OSR cases coded as spousal were available for analysis. These were:

- Sex of the offender.
- Involvement of alcohol.
- Offence type.
- Case outcome.

Looking first at the sex of the offender, we found that approximately 86% of spousal cases were coded as involving assault by the male partner only. The observed

range across years and Divisions was 78% to 94% (male). The female partner was coded as being the aggressor in approximately 10% of the cases (range: 3% - 15%). Only a very small percentage of all cases were coded as involving assaults by both the male and female partners.

The OSR data revealed that in approximately two of three cases, alcohol had been consumed by either the victim or the offender (or both). Given the subjective nature of this variable, these data should be taken as, at most, suggestive of a trend toward frequent involvement of alcohol (in some capacity) in those offences. It should also be noted that no comparable data are available for non-spousal assaults. It may be that non-spousal assaults involve alcohol as or more frequently than do spousal assaults.

Examination of the offence type codes revealed that the vast majority of spousal cases were some type of assault. The precise breakdown of these cases by offence type for the 1988 data is presented in Exhibit II-3. For purposes of comparison, this exhibit includes non-spousal cases.

As shown in Exhibit II-3, 99% of all cases coded as spousal fell into one of the categories of assault: level 1, level 2, aggravated (level 3), bodily harm or other (assault). Among non-spousal cases, 81% fell into those same categories, while 18% were sexual offences of one type or another. Given this difference between spousal and non-spousal cases, we decided to limit our analysis to the five categories of assault listed above. This decision had a negligible impact on the data file of spousal cases. On the positive side, it rendered the working file of non-spousal cases virtually identical to the spousal cases in terms of the distribution of cases across offence type.

The next set of descriptive data on spousal assault cases concerned the case outcomes. These outcomes were defined in Exhibit I-2 above. Possible outcomes for individual cases were one of:

- Unfounded.
- Not cleared.
- Cleared by charge.
- Cleared otherwise

EXHIBIT II-3 1988 Spousal and Non-Spousal Cases Classified by OSR Offence Categories

OSR Class	Spousal		Non-Spousal	
	No.	%	No.	%
Murder - 1st degree	2	.02	91	.18
Murder - 2nd degree	2	.02	49	.10
Manslaughter	1	.01	16	.03
Infanticide	0	0	7	.01
Attempted Murder	6	.06	115	.23
Aggravated Sexual Assault	4	.04	141	.28
Sexual Assault w/Weapon	12	.13	203	.40
Sexual Assault	49	.52	8,442	16.67
Assault Level 1	7,593	80.67	32,498	64.18
Assault Level 2	1,247	13.25	5,657	11.17
Aggravated Assault Level 3	66	.70	391	.77
Bodily Harm	333	3.54	1,462	2.89
Firearm with Intent	4	.04	98	.19
Other Assaults	92	.98	997	1.89
Other Sexual Offences	1	.01	471	.93
Total	**9,412**		**50,638**	

The general outcome data for spousal cases can be summarized as follows. Across the four years (1985 to 1988), on a national level:

- 6% were classified as unfounded.
- 51% were cleared by charge.
- 35% were cleared other.
- 8% were not cleared.

These data should be understood as a general overview only since, as will be seen later in this chapter, these figures vary substantially by Division, and to a lesser extent by year.

Perhaps the most interesting and revealing analysis of the OSR data concern case outcome. Our presentation of these data begins by looking at proportions of spousal assault cases classified as:

- Unfounded.
- Cleared by charge.
- Cleared otherwise.

In view of the sizable variations in these proportions across Divisions, and to a lesser extent by year, data are presented separately for Divisions and years in Exhibit II-4.

EXHIBIT II-4 Breakdown of Spousal Assault Case Outcomes by Division and Year

Division	Province	Dispositions											
		Cleared by Charge				Cleared Otherwise				Unfounded			
		85	86	87	88	85	86	87	88	85	86	87	88
		%	%	%	%	%	%	%	%	%	%	%	%
B	Nfld	56	56	71	73	32	30	23	16	5	6	7	6
D	Man	78	75	74	71	11	11	12	13	8	9	9	8
E	BC	32	33	40	49	58	56	51	43	1	1	1	1
F	Sask	67	69	61	59	18	19	25	27	8	6	7	6
G	NWT	52	61	56	65	35	23	20	17	6	9	15	10
H	NS	24	26	23	40	63	63	73	49	2	2	0	2
J	NB	28	35	40	46	56	38	36	33	2	7	7	9
K	Alta	40	41	45	46	48	45	42	41	4	6	5	5
L	PEI	49	29	35	33	40	59	44	54	1	6	5	3
M	YT	53	66	68	70	34	10	18	9	7	15	12	12
Total		**48**	**49**	**51**	**55**	**40**	**35**	**34**	**30**	**4**	**7**	**7**	**6**

Examination of Exhibit II-4 reveals some dramatic differences across Divisions. In particular, we observe that:

- The proportion of spousal assaults coded as unfounded ranges from 0% to 15%.
- In some Divisions, e.g. B.C. and Nova Scotia, considerable use is made of the 'cleared otherwise' category.
- The proportion of cases cleared by charge ranges from 23% to 78%.
- Seven of the ten Divisions show at least a modest year-to-year increase between 1985 and 1988 in the proportion of cases cleared by charge. Of these, several show dramatic increases, e.g. B.C. and Newfoundland.

On the basis of these data, we conclude that some Divisions are more consistent in complying with the charging policy than others. As well, the trend in most Divisions is toward improving this aspect of their performance.

The next step in our analysis of the case outcome data involved comparisons between the spousal and non-spousal assaults. Of particular interest were comparisons between the spousal and non-spousal data in terms of the proportions of cases classified as unfounded, and cleared by charge. Exhibits II-5 and II-6 present these proportions by year and Division.

Examination of Exhibits II-5 and II-6 reveal a number of consistent differences between the outcomes of the spousal and non-spousal cases. Specifically:

- The proportion of spousal cases classified as unfounded is substantially lower than the comparable figure for non-spousal cases.
- With two exceptions, the proportion of spousal cases cleared by charge is higher than the comparable figure for non-spousal cases. The size of these differences ranges from a few percentage points to a maximum of 44 points.
- Across years, the proportion of spousal cases cleared by charge has generally risen, while the comparable figures for non-spousal cases have tended to remain stable.

EXHIBIT II-5 Proportions of Spousal and Non-Spousal Cases Coded as Unfounded for 1985 to 1988 by Division

Division	Province	Unfounded							
		85		86		87		88	
		S	N	S	N	S	N	S	N
		%	%	%	%	%	%	%	%
B	Nfld	5	16	6	17	7	16	6	16
D	Man	8	16	9	18	9	17	8	18
E	BC	1	10	1	10	1	10	1	10
F	Sask	8	20	6	20	7	17	6	17
G	NWT	6	20	9	19	15	21	10	22
H	NS	2	11	2	10	0	10	2	12
J	NB	2	19	7	17	7	18	9	18
K	Alta	4	16	6	17	5	17	5	17
L	PEI	1	14	6	13	5	12	3	12
M	YT	7	20	15	19	12	25	12	26
Total		**4**	**16**	**7**	**16**	**7**	**16**	**6**	**17**

S - Spousal N - Non-spousal

EXHIBIT II-6 Proportions of Spousal and Non-Spousal Cases Coded as Cleared by Charge for 1985 to 1988 by Division

Division	Province	Cleared by Charge							
		85		86		87		88	
		S	N	S	N	S	N	S	N
		%	%	%	%	%	%	%	%
B	Nfld	56	35	56	35	71	36	73	42
D	Man	78	34	75	33	74	32	71	29
E	BC	32	22	33	23	40	22	49	24
F	Sask	67	34	69	36	61	39	59	37
G	NWT	52	33	61	32	56	33	65	33
H	NS	24	22	26	23	23	23	40	25
J	NB	28	23	35	24	39	27	46	27
K	Alta	40	29	41	29	45	29	46	29
L	PEI	49	28	29	32	35	19	33	24
M	YT	53	27	66	29	68	29	70	27
Total		**48**	**29**	**49**	**30**	**51**	**29**	**55**	**30**

S - Spousal N - Non-spousal

In general, these data run counter to what one would expect based on some widely-held views of police response to spousal assault. Firstly, rather than finding a higher 'unfounded' rate (referring to cases where the police investigation concluded that no offence occurred) for spousal assaults relative to non-spousal assaults, the rate is substantially lower. Secondly, the charging rate for spousal cases is almost always higher than the rate for non-spousal assaults (although this comparison may be biased by the greater likelihood that spousal assaults for which charges were laid will include the supplemental codes - see Chapter III below). Taken together, these data indicate that the RCMP charging policy is being applied, if somewhat unevenly, across the country.

The final step in our analysis of the OSR data involved an examination of outcome data on charges stayed, withdrawn and dismissed. These data were available for both spousal and non-spousal cases where charges were laid for all Divisions except E (B.C.) where these codes are not used. The three categories of stayed, withdrawn and dismissed (defined in Exhibit I-3 above) were pooled together because of variations in their use across jurisdictions. For example, virtually no cases in Manitoba were coded as 'withdrawn,' while in Newfoundland, Nova Scotia and New Brunswick, the 'stayed' category was almost never used.

Our analysis of these data was aimed at establishing whether charges laid in spousal cases were more or less likely than those in non-spousal cases to be stayed, withdrawn or dismissed. The literature on family violence typically indicates that, for a variety of reasons, complainants in spousal cases are less likely to proceed with a prosecution than are complainants in non-spousal cases. The fact that charges are laid by the police, under the new policy, should reduce this disparity. Our findings on this issue are presented in Exhibit II-7.

Inspection of Exhibit II-7 reveals that, once again, variation across Divisions is the order of the day. More specifically, we found that:

- The proportion of 1986 spousal cases in which charges were not proceeded with ranged from 2% to 36%, while the comparable figures for 1988 were 2% to 14%.

EXHIBIT II-7 Proportion of Spousal and Non-Spousal Cases Stayed, Withdrawn or Dismissed from 1985 to 1988 by Division

Division	Province	Year							
		1985		1986		1987		1988	
		S	N	S	N	S	N	S	N
		%	%	%	%	%	%	%	%
B	Nfld	18	16	13	16	17	17	14	12
D	Man	12	12	10	11	5	5	2	2
E	BC	NA	NA	NA	NA	NA	NA	NA	NA
F	Sask	13	17	12	17	16	18	13	13
G	NWT	12	15	16	15	14	17	8	12
H	NS	20	21	25	21	23	18	NA	NA
J	NB	16	10	3	7	5	9	7	7
K	Alta	7	5	2	1	NA	NA	NA	NA
L	PEI	23	18	36	20	15	10	9	5
M	YT	30	32	20	21	NA	NA	NA	NA
Total		**17**	**16**	**15**	**14**	**14**	**13**	**9**	**7**

S - Spousal N - Non-spousal NA - Codes rarely or never used

- In general, the probability of a case being stayed, withdrawn or dismissed was not related to whether or not the case was spousal or non-spousal. In some Divisions, the probability was slightly higher for spousal cases. In others, it was slightly lower. In any event, across all Divisions and years, the size of these differences was typically a matter of several percentage points at most.

These data suggest that spousal charges are not, in general, being stayed, withdrawn or dismissed at a different rate from non-spousal charges. Readers are reminded that these data should be treated with caution due to the variation across Divisions (and perhaps over the years) with respect to the inclusion of these data in the OSR records.

III

COMPLETENESS OF AVAILABLE DATA

Chapter I of this report described the data source (OSR) used to establish the incidence of spousal assaults reported to the police, and the frequency of charging in these cases, in RCMP contract jurisdictions. For the purposes of this research study, it was important to determine how reliable the OSR data set is in terms of accurately reflecting the actual numbers of incidents of spousal assault reported to the RCMP. Our ability to assess this matter arises from the fact that a second information system that parallels OSR (to some extent) is maintained by the RCMP. This parallel system is called PIRS (Police Information Retrieval System).

A. THE PIRS DATABASE

PIRS is a more recently developed interactive system which enables the RCMP to recover a large volume of detailed information on individual cases. While PIRS records do not include the supplemental OSR codes (or any other specific codes) identifying spousal assaults, they may include a number of other variables relevant to the purposes of this study. Of particular interest were the following types of information:

- The type of offence, using the same categories as OSR (e.g., Assault Level 1, etc.).
- The names and home addresses of the victim and offender involved. Examination of these fields established whether the parties involved were living at the same residence.
- Narrative description of the incident as recorded on the occurrence report. This information was used to distinguish spousal cases from non-spousal cases, as well as the nature of the relationship.
- Whether charges were laid.

- The reporting jurisdiction.
- The OSR occurrence number.

We also coded the following variables as available:

- Marital status.
- Reference to use of any weapon(s).
- Reference to any injuries.
- Reference to previous similar complaints by the parties involved.
- Reference to alcohol involvement.

B. HOW THE RESEARCH SAMPLE OF PIRS SPOUSAL ASSAULT CASES WAS CREATED

Our approach to the creation of a database of PIRS records was limited to 1986 and 1988 cases in which any assault was reported against a female victim by a male suspect/accused. Sexual assaults were excluded due to their relative infrequency. Only cases in which it could be established that the man and woman were currently, or had previously been involved in an intimate or conjugal relationship were coded.

We planned to examine 100 cases from each of the 10 RCMP contract Divisions. However, in Prince Edward Island, Yukon and the Northwest Territories, fewer than 100 qualifying cases could be identified among detachments on the PIRS system in 1988. In the remaining Divisions, detachments were sampled, and cases sampled from within detachments were included in the study sample. It should be noted that the sampling of detachments was not purely random since not all detachments had implemented PIRS in 1988. For purposes of comparison, detachments included in the analysis of 1986 data were also included on the 1988 sample. In all, our national sample of PIRS records for 1988 consisted of 878 cases. The sources and counts of these cases by Division for both 1986 and 1988 are presented in Exhibit III-1.

Given the specific interest in the five large urban/suburban detachments policed by the RCMP, separate samples of PIRS records were drawn for each of these jurisdictions. The case counts for these five detachments are also presented in Exhibit III-1.

In the remaining sections of this chapter, we report our findings based on the PIRS data as they pertain to two specific questions. These are:

- How consistently are the supplemental codes for spousal assaults being included in the OSR records of these cases?
- What characteristics of spousal assaults available on PIRS are predictive of the use of the supplemental codes, and of charges being laid?

C. THE COMPLETENESS OF THE OSR DATASET

The major use planned for the PIRS records was to assess the completeness of the OSR dataset as a census of spousal assaults. Readers will recall that individual cases (on OSR, the statistical reporting system) were identified as spousal assaults on the basis of the presence of a supplemental code in the OSR computer record. Our rationale in trying to use the parallel PIRS system to verify the accuracy of the OSR data was that we could identify spousal assault cases in PIRS (based on the narrative description of the incident) that should have contained the supplemental code (in the corresponding OSR record) and then check the OSR files for the presence of this code. Exhibit III-2 presents our findings on this question nationally, by Division and for the five large detachments. Again, the 1986 data are included in this exhibit for purposes of comparison.

Examination of Exhibit III-2 reveals wide variations by jurisdiction in the estimated consistency of use of the supplemental codes for spousal assaults in the 1988 OSR records. Among Divisions, the range is from 73% in Yukon to 28% in Alberta. Nationally, the average for 1988 is 51%. The figures for the large municipal detachments are similar, ranging from 43% to 70%. The average among the municipal detachments is 55%.

EXHIBIT III-1 Sources and Sample Counts of 1986 and 1988 PIRS Records Coded for this Study

Source	Count 1986	1988
Divisions		
Newfoundland	73	100
Manitoba	86	100
British Columbia	121	109
Saskatchewan	78	100
Northwest Territories	27	91
Nova Scotia	70	100
New Brunswick	87	100
Alberta	100	100
Prince Edward Island	24	34
Yukon	50	44
Total	717	878
Large Municipal Detachments		
Burnaby	100	100
Surrey	100	100
Richmond	100	100
North Vancouver	100	100
Red Deer	100	100

EXHIBIT III-2 **Consistency of Use of the Supplemental Codes for Spousal Assaults by Division, Across All Divisions, and for the Five Large Detachments for 1986 and 1988**

Divisions	Percentage of OSR Spousal Assault Records Estimated to Include the Supplemental Codes	
	1986 %	1988 %
Newfoundland	63	35
Manitoba	64	59
British Columbia	50	58
Saskatchewan	46	55
Northwest Territories	70	70
Nova Scotia	56	45
New Brunswick	60	46
Alberta	36	28
Prince Edward Island	46	59
Yukon	68	73
Total	54	51
Large Municipal Detachments		
Burnaby	64	56
Surrey	69	70
Richmond	50	60
North Vancouver	38	43
Red Deer	37	45

It is apparent from the data in Exhibit III-2 that some jurisdictions are much more consistent in their use of the supplemental codes than are others. Even among the best, however, there is still a "miss" rate of approximately 30%. It should be noted that this variation cannot be explained in terms of variation across Divisions in the seriousness of the cases reported. Nationally, we estimate that only about half of all spousal assault cases are being coded as such in OSR.

Comparison of the 1986 and 1988 data presented in Exhibit III-2 indicates that overall, the consistency of use of the spousal assault codes in OSR has changed relatively little over the two years. Some divisions show increases, (e.g. British Columbia, Prince Edward Island, Yukon), while others show decreases, (e.g. Newfoundland, Nova Scotia, Alberta). The picture is somewhat more positive for the large municipal detachments.

We can only speculate on the possible reasons for these observed variations across jurisdictions, and between 1986 and 1988. In large detachments, the coding is done by full-time "readers" who are RCMP members and may be more current and consistent in their work generally than the civilian support staff responsible for these tasks in small detachments. More generally, staff turnover and lack of training and/or supervision in the use of these supplemental codes will likely erode the extent of their use over time.

D. CASE CHARACTERISTICS PREDICTIVE OF THE USE OF THE SUPPLEMENTAL CODES

A set of analyses was conducted to attempt to better understand why the OSR records of some spousal assault cases included the supplemental codes while others did not. Using the combined data from all ten Divisions plus the large municipal detachments, we found that:

- Of cases in which charges were laid, 60% contained the supplemental codes, compared to 46% of cases in which no charges were laid.
- More serious cases were, in general, more likely to contain the supplemental codes than were less serious cases. For example, in 1988, 60% of assault

causing bodily harm cases contained the codes compared to 52% of level 1 assaults and 57% of level 2 and 3 assaults.

- Of cases in which the accused and the victim lived at the same address, 60% contained the supplemental codes, compared to 41% of cases in which their addresses were not the same.

- The likelihood of any given case containing the supplemental code was related to the marital status of the parties involved. The percentage of cases containing the codes for each of a variety of types of relationships were: married (63%), common law (61%), separated (57%), unspecified conjugal (51%), ex-common-law (43%), divorced (35%), current boyfriend (25%), ex-boyfriend (15%). The coding rate for these latter two categories would be expected to be lower than the others since the coding requirement refers to spousal relationships, which includes boyfriend/ex-boyfriend in some jurisdictions and not in others. The ordering of categories above indicates that use of the codes was more likely for current formal relationships than for former, less formal relationships.

To summarize, use of the supplemental codes in OSR records of spousal assaults was more consistent in cases where: charges were laid; a more serious assault had occurred; the parties lived at the same address; and, the parties were in a current rather than a former relationship. This finding replicates that reported previously for the 1986 data.

E. CASE CHARACTERISTICS PREDICTIVE OF CHARGING

The PIRS dataset combined with information on charging from OSR presented the opportunity to examine several of the PIRS variables as predictors of charging. These findings should be treated as tentative at best, since the consistency with which the variables examined are included in the PIRS case records is not known. Briefly, we found that:

- Charging was more likely in more serious cases. As indicated above, seriousness here was defined in terms of the Criminal Code assault categories of level 1, level 2, level 3 and bodily harm.

Among the PIRS variables found not to be related to charging were:

- Whether the man and woman lived at the same address.
- Whether the man and woman were currently, or only formerly involved with each other.
- Whether or not any injury was reported.
- Whether or not any alcohol involvement was mentioned.

F. IMPLICATIONS OF THE PIRS ANALYSES

The key finding of our analyses of the PIRS data was that approximately half of all spousal assault cases in 1988 did not contain the supplemental codes (denoting spousal assaults) in their OSR records. This is a virtually identical finding to that reported earlier for 1986. In particular, cases involving less serious assaults, cases in which charges were not laid, cases in which the parties were not cohabiting and cases in which the parties were not currently involved with each other were most underrepresented.

It is clear that, in some Divisions in particular, the policy regarding the use of the supplemental codes is still not being adhered to. As noted above, we also found that some types of cases are more likely than others to lack the required codes, which may add some bias to the findings discussed previously.

IV

CONCLUSION

In this chapter we summarize and discuss the principal findings of this study. The chapter concludes with several recommendations for future monitoring of the RCMP's charging policy.

A. OVERVIEW OF PRINCIPAL FINDINGS

Notwithstanding the limitation in the OSR data noted in Chapter III, a number of interesting findings can be reported.

- Between 1985 and 1988, the reported number of spousal assaults and homicides rose slightly, holding at a consistent 16-17% of all reported assaults and homicides.
- Of all reported spousal offences, 99% were level 1 assaults, level 2 assaults, level 3 assaults, bodily harm, or other assaults.
- In terms of the outcomes reported for spousal assault cases, 6% were classified as unfounded, 51% were cleared by charge and 35% were cleared (other).
- Spousal assaults were less likely than non-spousal assaults to be classified as unfounded.
- Spousal assaults were more likely than non-spousal assaults to be classified as cleared by charge.
- From 1985 to 1988, the proportion of spousal assaults cleared by charge has generally increased, while the comparable figures for non-spousal cases have remained relatively stable.
- Substantial variations across Divisions were observed in all of the data reported above.

The second set of data presented in this report (Chapter III) pertained to the completeness of available RCMP information on spousal assault. Strategic use of an information system (PIRS) that parallels to some extent the primary statistical reporting system (OSR) enabled us to establish the following:

- The supplemental codes needed to distinguish spousal assault from non-spousal assaults are being included in the OSR records for only about half of the spousal assault cases recorded on the RCMP system.
- Some Divisions are much more consistent in their use of the supplemental codes than are others. The highest observed rate of the use of the supplemental codes was 73%, while the lowest was 28%.
- The consistency with which the supplemental codes are being added to spousal assault cases has not changed substantially between 1986 and 1988.
- Use of the supplemental codes was more consistent when charges were laid; in more serious assaults; when the parties lived at the same address; and when the partners were in a current rather than a former relationship.

Taken together, these findings sound a cautionary note regarding the data presented in Chapter II on the incidence of spousal assaults reported to the RCMP and the frequency of charging. Specifically, they establish that only about half of the spousal assaults described on the RCMP's statistical system are identified as such on the system, and are available for the analyses described in this report.

B. DISCUSSION

The findings of this study support conclusions and recommendations in two distinct areas, corresponding to the two data sources analyzed. The first concerns the use of the supplemental codes.

It is clear that the use of the supplemental OSR codes distinguishing spousal assaults from non-spousal assaults is inconsistent, and subject to dramatic variations across Divisions. Further, this is occurring despite the fact that the rules for the coding of these cases are issued by Headquarters, and are not subject to local modification. At the same

time, however, it should be acknowledged that OSR is a high volume, complex data system. Record creation and input occurs at hundreds of locations across Canada, and involves a wide range of staff, from civilian clerks to data processing professionals. Quality control in such systems requires ongoing effort and attention.

Recommendation 1: Headquarters and Division level staff responsible for the quality of the data in OSR should be informed of the findings of this study. Steps should be taken to achieve greater consistency in the use of the supplemental OSR codes distinguishing spousal assault cases from non-spousal cases. This will likely require an examination and possible clarification of the coding rules themselves, to ensure that they are sufficiently explicit as to the criteria for their use.

The data on the laying of charges in spousal assault cases indicate that the RCMP's overall performance in this regard is improving. There is still, however, considerable variation in practice from Division to Division. As noted above, policy differences reflecting local conditions and priorities may be contributing to these variations. Even so, the Headquarters policy is presumed to be in effect in all Divisions. The data indicate that it is not being consistently followed.

Recommendation 2: Divisional commanders should be informed as to the findings of this study insofar as it reflects on their Division's performance in laying charges in cases of spousal assault. Steps should be taken at the Divisional level to emphasize the importance of this policy as a key element of the RCMP's response to family violence. Representatives of provincial government ministries responsible for policing and/or family violence initiatives should also be made aware of the findings of this study so that they can contribute to the improvement and future monitoring of the situation.

The data reported at the end of Chapter II indicate that substantial numbers of spousal assault cases in which charges were laid are being stayed, withdrawn or dismissed. This is occurring despite the fact that the charges were laid by the police (rather than by the victim). In anticipation of this situation, the 1984 Headquarters charging policy required that Headquarters be notified in writing as to the reasons for these stays, withdrawals and dismissals. This notification was to be in the form of "concluding reports". While this

practice was followed to a limited extent in 1985 and 1986, it fell into disuse and was recently (formally) abandoned.

Recommendation 3: A simple, but complete standard form for concluding reports should be developed to describe the reasons for the withdrawal of charges in cases of spousal assault. Such reports would be completed by RCMP personnel at the detachment level, collated and analyzed in Ottawa and reported back to both Division management and senior management at Headquarters. Information of this type would provide one lever whereby RCMP Division management could negotiate more forcefully with provincial Attorneys General to encourage vigorous prosecution of spousal assault cases by Crown prosecutors.

The types of data presented in this report have both short and longer-term policy implications for the RCMP. We believe that the RCMP should conduct the types of analyses reported here on an annual basis. This information would enable the organization to both identify and respond promptly to operational problems. It would also provide for ongoing monitoring of the RCMP's response to spousal assault in general.

Recommendation 4: The RCMP should continue to monitor the application of the charging policy by replicating the methodology used in this study on an annual basis. This would involve:

a) Checking for the consistency of use of the supplemental codes by:

   - Identifying a sample of spousal assault cases in the PIRS records at the Divisional (and selected Detachment) levels.
   - Examining the corresponding OSR records for the PIRS cases identified above to check for the presence of the supplemental codes.

b) Analyzing the OSR data on the incidence of, and charging rate for spousal assault cases by:

   - Creating a file of selected OSR variables (see Chapter II) for all assault cases, both spousal and non-spousal.

- Conducting statistical analyses of the kind reported in Chapter II.

- Updating the tables presented in Chapter II to present both recent data, and data for past years in order to examine trends over time. Such trend data can also be used to monitor the effects of future policy changes.

APPENDIX A

RCMP POLICY ON USE OF THE SUPPLEMENTAL CODES AND ON CHARGING (HEADQUARTERS AND BY DIVISION)

	Headquarters Coding Policy	Headquarters Charging Policy
Date of Policy	85-04-24	86-01-16 Directive II.2.L.
Definition of spousal assault (including types of incidents)	For domestic disputes (spousal assault) and alcohol-related offences	1. Spousal assault is a criminal act of violence or series of acts which causes injury to a spouse or common-law partner. 2. Domestic violence is not a private affair but a serious social problem often resulting in violation of the law.
Definition of spousal relationship	NOTE: Spousal relationships include legal marriage and common-law as well as separated and divorced partners of legal and common-law relationships	Include: Spouse or Common-Law partner
Statement of Charging Policy		Exercise caution when responding to domestic complaints. See II.1.F Respond to and fully investigate all complaints of domestic disputes, assaults and violence in the home. When reasonable and probably grounds exist to lay a charge, lay the charge. EXCEPTION: If the provincial attorney general requires prior consultation with a Crown counsel before a charge is laid, consult Crown counsel and follow divisional policy with respect to laying a charge. 1. If a charge has been laid but measures other than prosecution are believed to be in the best interests of the parties concerned, provide the prosecutor with relevant information. - The prosecutor has the option of discontinuing proceedings if circumstances warrant. See III.6.E.2.

	Headquarters (coding)	**Headquarters (charging)**
Police Responsibilities		Provide immediate protection for the victim to ensure a further assault does not occur. Investigate a breach of recognizance issued under provision of Sec. 746 CC. Establish sufficient evidence to proceed with changes. Obtain detailed statements as soon as practical from the victim and witnesses If the victim requires it, provide information or assistance on: 1. Procedures to lay an information when there is insufficient evidence for the police to proceed but the victim still desires to lay a charge; NOTE: Any person may lay an information. See Sec. 455 CC. 2. Seeking professional help from community or provincial social services; 3. arranging transportation for a spouse and/or family who is leaving home and seeking shelter; and 4. obtaining a court order for the spouse to keep the peace and be of good behaviour. See Sec. 745 CC.
What to do if the victim refuses to cooperate		When the victim refuses to testify in spousal assault cases or the victim testifies only after being ordered to do so by the Court, send a copy of he final report through channels to Headquarters, ATTN: Crime Prevention Branch. See below for content of final report.

	Headquarters (coding)	Headquarters (charging)
Reporting procedure/requirements		Ensure your occurrence report contains a detailed account of the specifics of the incident, contributing circumstances, e.g. alcohol, and reference to previous history of violence or police attendance. Ensure the final report contains information on the following: 1. Whether a conviction was obtained or if the case was dismissed, stayed or withdrawn. 2. Reasons why the victim refused to testify. 3. When the case is stayed or withdrawn, the victim's and the Crown prosecutor"s reasons.
Dispatch	Not applicable	Not specified

	Newfoundland "B" Division Charging Policy	**Manitoba** "D" Division Charging Policy
Date of Policy	89-07-31	89-11-24
Definition of spousal assault (including types of incidents)	Further to Headquarters Directive II.2.L. Family violence includes offences from a minor disturbance to a serious sexual assault or a murder. Situations of drunk and disorderly behaviour are often encountered in domestic disputes. See II and Municipal Regulations..3.44	Domestic disturbances, assaults, wife battering.
Definition of spousal relationship	Assault against women in the home	This policy applies to couples who are living common-law or married.
Statement of Charging Policy	Offences occurring within the family unit are to be viewed with concern and treated as serious matters demanding active police enforcement. Police must take a more active role in these complaints. Arrest if the circumstances warrant. When the evidence warrants prosecution, charge subject at the earliest opportunity. Section 495 CC will prevail when arrests are contemplated. Assault provisions are dual procedure and an arrest can be made on reasonable and probable grounds that an offence has been committed if conditions outlined in Sec. 495(2)(d) CC apply.	Respond to and fully investigate all complaints of domestic disturbances and assault. Lay charges in concert with complainant when the investigation reveals there are reasonable and probable grounds to believe a criminal offence has been committed. 1. Charges will be laid in all cases involving wife battering, regardless of the complainant's wishes. Forward a copy of your investigation report or court brief to the Crown Attorney. 1. Crown Counsel will be responsible for the disposition of the case.
Police Responsibilities	When an offence is not established but normal household activity is disrupted, provide complainants with safe passage out of the residence if they desire. Be familiar with community resources which are available to assist the victim and advise her accordingly. Make special mention of the Criminal Injuries Compensation Board, transition houses and services offered by the Department of Health and Social Services.	In cases where the normal household activity is being disrupted, provide the complainant with safe passage out of the residence, or take whatever action is necessary to defuse the situation.

	Newfoundland	Manitoba
What to do if the victim refuses to cooperate	Not specified	Criminal charges against a battered spouse as a result of failure to testify (eg. public mischief or contempt of court) are not to be undertaken without the advice of he Senior Crown Attorney responsible for prosecutions in that area and authorization by the ADM, Criminal Justice Division.
Reporting procedure/requirements	Not specified	Completion of Special Assault form D1001 is required. b. Concluding reports on spousal assault noted in Headquarters Directives OP. Man. II.2 will not be required. 1. Division will forward Form D1001 to Headquarters.
Dispatch	Upon receipt of a complaint of spousal assault: 1. Obtain full particulars and assess for priority of police response. 2. Advise complainant/Victim approximately when they may expect police to arrive at scene. 3. Respond to investigate in accordance with the time frame indicated. Query on CPIC, subjects involved; to ascertain if they are already on a Peace Bond or on the system for any other reason. If a "hit" includes any "cautions" take appropriate action-to obtain assistance if necessary.	Not specified

	British Columbia	Saskatchewan
	"E" Division Charging Policy	"F" Division Charging Policy
Date of Policy	88-07-04	88-07-28
Definition of spousal assault (including types of incidents)	Spousal assault is a serious problem and will be treated as a criminal matter.	See HQ directive II.2.L.
Definition of spousal relationship	Not specified	Does not specify spouse
Statement of Charging Policy	Conduct a thorough investigation to collect all possible evidence to support charge. Arrest offender if grounds exist. The victim's wishes alone shall not affect your decision to proceed with a charge. Submit a Report to Crown Counsel recommending a charge in all cases where you feel sufficient evidence exists to support it.	The policy of Sask. Justice is that the police will investigate incidents of spousal assault and lay charges where supported by the evidence. Crown Counsel 1. Consult with your prosecutor if; 1. extenuating circumstances suggest taking action contrary to established practices, 2. a not guilty plea is entered, or 3. you wish to have the agent speak to sentence. 2. See also div. suppl. III.6.F.2.b. regarding use of counsel.

	British Columbia	Saskatchewan
Police Responsibilities	Hold offender for a Justice of the Peace or Provincial Court Judge in all cases where circumstances dictate. Recommend that all undertakings specify that the offender have no contact with victim. Provide the victim with referral information at the time of response informing him/her of: 1. transition houses and legal and social services available in the community, including reference to Family Court Counsellors; 2. the individuals right to lay a private information in the event you do not feel sufficient evidence is present to proceed as directed herein; and 3. the case number, your name and/or regimental number and telephone number. Where necessary refer and accompany the victim to a transition house of other location within your area, or otherwise ensure safe transport to such an area. 1. Consider the intervention of Ministry of Social Services (Human Resources)where the welfare of any children is in question. Standby to keep the peace when requested b either spouse who wishes to return to the marital home to collect their personal effects.	When referring files to your prosecutor: 1. inform the complainant that she/he may contact the crown agent directly to discuss the case. 2. after receiving advice of counsel, inform the complainant of the action to be taken and 3. if charges are recommended proceed in the usual way. N.B. does not refer specifically to spousal.
What to do if the victim refuses to cooperate	Not specified	Not specified

	British Columbia	Saskatchewan
Reporting procedure/requirements	Where charges are not recommended, or when recommended and not proceeded with complete detailed occurrence report including the reason for not proceeding.	Send a report to your prosecutor for advice if there is a question as to whether or not to lay charges because it is no clear: 1. who started the incident. 2. whether or not there was provocation, or 3. whether the dispute arouse out of a long standing feud/ Again, doesn't refer specifically to spousal.
Dispatch	Ensure dispatchers and communications personnel: 1. treat spousal assault calls as a priority response where applicable; 2. review appropriate safety information on the nature of these calls; 3. record details of the call and any reason for non-response by the police; and 4. implement a system to provide adequate information both for police officers responding to spousal assault calls and for monitoring and research purposes.	Not specified

	Nova Scotia "H" Division Charging Policy	New Brunswick "J" Division Charging Policy
Date of Policy	89-11-07	86-07-31
Definition of spousal assault (including types of incidents)	See headquarters directive II.1.F., II.2.L.1. Domestic violence-Serious social problem Family violence-dangerous responsibility for police; includes all assault types: spousal assault, domestic disturbance. Section 245.3 CC specifically reads "bodily harm" and NOT "serious bodily harm", therefore, bodily harm need not be "serious" to warrant taking an alleged offender into custody.	Spousal assault
Definition of spousal relationship	husband and wife or people living together as husband and wife for a period of at least one year.	Not specified
Statement of Charging Policy	Investigations of assault are to be thorough, and every attempt is to be made to secure sufficient evidence to support a charge by way of indictment. If evidence and/or circumstances support a charge: 1. lay an information; and 2. inform the Crown Prosecutor; and 3. provide the Crown Prosecutor with a court brief	Assault complaints shall be investigated as any other criminal offence. If evidence warrants, present recommended charge along with Prosecutor's Information Sheet/ Court Brief to Crown Prosecutor. Depending on Crown Prosecutor's advice: 1. Prosecute in normal manner, or 2. advise complainant if prosecution not warranted. 3. If you attend the scene of a spouse battering or child abuse, you may arrest without warrant: a person found committing a criminal offence, or a person you believe on reasonable and probable grounds has committed an indictable offence (Sec. 450 CC).

	Nova Scotia	New Brunswick
Police Responsibilities	Decisions to refer incidents to social agencies, lay charges, initiate arrest procedures, if required, and inform a victim of his/her options, still remains the responsibility of each police officer, based upon the conditions experienced at the time of the incident. Incidents of spousal assault, which occur in the same family more than once in a six-month period, or any exceptionally serious assault, are to be referred to the Department of Social Services. When the terms of a valid peace bond/court order are violated, the assailant should be taken into custody. Where necessary/desired by the spouse, members should refer and/or accompany the spouse and children to a transition house/another safe location. If requested, members may accompany the victim on a return to the marital home to obtain clothing and/or toiletries only, to facilitate staying elsewhere for a short period of time. 1. Duty should only be undertaken to prevent a breach of the peace, and when time and manpower permit.	1. If the investigation reveals insufficient evidence to support a conviction: 1 consider proceeding under Sec. 745 CC. 2. Notify spouse to consider a civil remedy and to consult a lawyer. If the accused is not arrested and you feel the victim(s) should not remain at the scene: 1. suggest alternative shelter (see App. II-2-5), and 2. provide transportation if required.
What to do if the victim refuses to cooperate	Not specified	II.2.L.1.b.7 will include investigations where the spouse informs that she/he will not testify, even if charges are laid
Reporting procedure/requirements	1. Submit a C.237/C264B for offences under Sections: Se div. supp. IV.1.D.1b. and c. 1. 245.1(1)(a) & (b) CC; 2. 245.2(1) CC; 3. 245.3.	Not specified
Dispatch	Not specified	Not specified

	Alberta	Yukon
	"K" Division Charging Policy	"M" Division Charging Policy
Date of Policy	89-02-21	89-05-16
Definition of spousal assault (including types of incidents)	Spousal Assault	a. H.Q. directive II.1.F. (Domestic Disturbances). b. H.Q. Directive II.2.L. (Spousal Assaults). Wife battering, spousal assaults. All assaults are indictable for which arrest powers under Section 495 of the Criminal Code apply. If the assault is minor in nature, ensure provision(s) of Sec. 495(2) can be met prior to arrest.
Definition of spousal relationship	In cases of spousal assault (including common law relationships), member:	Not specified
Statement of Charging Policy	Respond to and fully investigate all complaints, gathering physical evidence and supporting statements. Lay a charge of assault providing there is evidence to support the charge.	It is the objective of this policy to take the prosecution of cases involving spousal assault out of the hands of the victim and to proceed with the case in the name of the Crown irrespective of the wishes of the victim. Exercise caution when responding to domestic complaints. All complaints of domestic violence involving spousal assault are to be investigated immediately and thoroughly, with the intention of charges being laid for court prosecution, irrespective of whether the assaulted spouse wishes to proceed with charges. ALL reported cases of spousal assault will be dealt with in the following manner: 1. where investigation supports that a spousal assault has been committed, charges shall be laid by the investigating officer, with a full Court Brief being presented to the Crown Attorney,and the matter proceeded with in Court as soon as possible, or

	Alberta	Yukon
Police Responsibilities	If there is insufficient evidence for the laying a charge: - advise the complainant of your findings, and - inform the complainant of the procedure for laying of a private information.	Provide immediate protection and assistance to the victim. This may take the form of: 1. Removal of the victim from the scene. Services listed in Div. Supp. Appendix II-1-15 may be utilized. 2. Arrest of the accused under Section 495 of the Code, with further action taken via release from arrest pursuant to Sections 497(1), 498(1), 515(1), or a Show Cause Hearing. Assistance includes, acquainting all victims with community resources such as emergency shelter, legal aid, counselling facilities and welfare services, and assisting them in contacting these resources. 1. The procedure for acquiring a Peace Bond is outlined in Sections 810 and 811 of the Criminal Code. This procedure should not be used as an alternative to the laying of criminal charges. Under normal circumstances, the accused will be arrested under Section 495 of the Criminal Code, taken before a justice, charged and released with generally one condition being that he/she have no contact with the victim pending a court appearance. If there are no conditions attached to his/her release, the Peace Bond procedure may be pursued should the victim so wish. 2. The decision to proceed with a Peace bond application is ultimately that of the victim and not the police. Members should clearly explain the Peace Bond process to victims and offer whatever assistance is necessary. Members shall not refuse assistance and shall refer questionable applications to Cr. Ops. for decision. 3. Offer the victim, who is leaving home and seeking shelter, assistance in arranging transportation. should the victim be away from home at the time of complaint, offer assistance and transportation back to the home to retrieve clothing, etc.

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		4. If children are in need of protection or if the assaulted spouse is apparently in need of assistance beyond that provided by the police, advise the Department of Health & Human Resources at once. 5. Keep the victim informed of proceedings and adjournments. If there is concurrence that a charge should not be laid and the complainant insists on charges, refer him/her to private prosecution. Provide assistance on the procedures that follow.
What to do if the victim refuses to cooperate	Not specified	Not specified
Reporting procedure/requirements	Not specified	Report a spouse failing to testify as set out in Headquarters directive II.2.L. where the investigator feels that a reported case of spousal assault wasn't in fact that, or that a charge should not be laid because of lack of evidence, unavailability of witnesses or for whatever reason, fully and clearly document the reasons in the investigation file and send a copy of the full investigative report to Senior Crown Counsel, Whitehorse. Ensure the decision not to prosecute in a reported spousal assault investigation is fully documented on file.
Dispatch	Not specified	Not specified